

Article - Business Regulation

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§4-401.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) “Agency contract” means an agreement in which a student–athlete authorizes a person to negotiate or solicit on behalf of the student–athlete a professional–sports–services contract or an endorsement contract.

(2) “Agency contract” includes a written agreement for current or future representation in which a student–athlete authorizes a person to assess and plan for the financial benefits that may arise out of the student–athlete’s professional sports career.

(c) (1) “Athlete agent” means an individual who enters into an agency contract with a student–athlete or, directly or indirectly, recruits or solicits a student–athlete to enter into an agency contract.

(2) “Athlete agent” includes an individual who:

(i) represents to the public that the individual is an athlete agent; or

(ii) facilitates or encourages a connection between a student–athlete and another athlete agent.

(3) “Athlete agent” does not include a spouse, parent, sibling, grandparent, or guardian of the student–athlete, or an individual acting solely on behalf of a professional sports team or professional sports organization.

(d) “Athletic director” means an individual responsible for administering:

(1) the overall athletic program of an educational institution; or

(2) the athletic program for males or the athletic program for females if an educational institution has separately administered athletic programs for male students and female students, as appropriate.

(e) “Contact” means a communication, direct or indirect, between an athlete agent and a student-athlete to recruit or solicit the student-athlete to enter into an agency contract.

(f) “Endorsement contract” means an agreement under which a student-athlete is employed or receives consideration to use on behalf of another party for any value that the student-athlete may have due to publicity, reputation, following, or fame obtained due to athletic ability or performance.

(g) “Intercollegiate sport” means a sport played at the collegiate level for which eligibility requirements of a student-athlete are established by a national association for the promotion or regulation of collegiate athletics.

(h) “License” means a license issued by the Secretary to act as an athlete agent.

(i) “Person” means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency or instrumentality, public corporation, or any other legal or commercial entity.

(j) “Professional-sports-services contract” means an agreement under which an individual is employed or agrees to render services as a player on a professional sports team with a professional sports organization or as a professional athlete.

(k) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(l) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(m) (1) “Student-athlete” means an individual who engages in, is eligible to engage in, or may be eligible in the future to engage in, any intercollegiate sport.

(2) “Student-athlete” includes an individual who is or was a member of a sports team of a high school.

(3) “Student-athlete” does not include an individual permanently ineligible to participate in a particular sport.

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